IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6451 of 2005

Between:

Balwant Singh, S/o. Prem Singh, Hindu,
R/o. CISF Unit Lines, N.R.S.A., Shadnagar,

Mahaboobnagar District, A.P.

..... PETITIONER

AND

1 The Group Commandant, Central Industrial Security Forice,
Group Head Quarteres, Ministry of Home Affairs, NISA,
Hakimpet, Hyderabad.
2 D. Shyamala, Dy. Commandant, Central Industrial Security Force,
Salarjung Museum, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first Respondent in appointing the 2nd respondent to conduct the enquiry vide Proceedings No. V-15014/CISF/GHH/BS/2005-859, dated 15-3-2005 by issuing Major Penalty Charge Sheet vide Memorandum No. V-15014/CISF/GHH/BS/2005-573, dated 14-2-2005 even though, the petitioner is prevented by the nature due to land slides which are completely obstructed both road and telecommunication facilities to his native place is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the Respondents not to take departmental action against the petitioner till May '2005 so that the petition can submit medical certificate of his sick mother and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY, SC

FOR CENTRAL GOVERNMENT

The Court at the admission stage made the following:

ORDER:

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Challenging the action of the 1st respondent in appointing the 2nd respondent to conduct enquiry, vide proceedings No.V-15014/CISF/GHH/Adm.4/BS/2005/859, dated 15.03.2005, the writ petition is filed.

Heard the learned Counsel for the Petitioner and the learned standing Counsel for the respondents.

As per the proceedings dated 15.03.2005, the disciplinary authority has appointed an Enquiry Officer to conduct departmental enquiry for certain irregularities alleged to have been committed by the writ petitioner.

The learned Counsel for the petitioner contended that because of landslides in his native village, the petitioner could not produce the medical certificate, and therefore, he prays to grant reasonable time for production of certificate.

On the other hand, the learned standing Counsel for the respondents contended that in spite of giving more than two months time, the petitioner did not produce the medical certificate, and therefore, there are no grounds to interfere with the impugned proceedings.

As seen from the impugned order, it is only appointing an Enquiry Officer to conduct departmental enquiry against the writ petitioner. The authority, who issued that order, is not under challenge. The only grievance of the petitioner is that because of landslides in his native place, he could not produce the certificate. That cannot be a ground for granting extension of time. However, it is for the petitioner to establish the same by producing necessary certificate during the course of the enquiry. For that purpose, the Enquiry Officer shall give a reasonable opportunity to the petitioner to produce the medical certificate.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 28.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Group Commandant,

Central Industrial Security Force,

Group Head Quarters,

Ministry of Home Affairs, NISA,

Hakimpet, Hyderabad

2. The Dy.Commandant,

Central Industrial Security Force,

Salarjung Museum, Hyderabad

3. Two CD copies

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